

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
January 14, 2003**

BOARD MEMBERS PRESENT:

Bruce Shelton, MD, MD(H), President
Charles Schwengel, DO, MD(H), Vice President
Garry Gordon, MD, DO, MD(H)
Anna Marie Prassa
Annemarie Welch, MD, MD(H)

ABSENT:

Joan Heskett, Sec.-Treasurer

ADMINISTRATIVE STAFF:

Christine Springer, Executive Director

ATTORNEY GENERAL REPRESENTATIVE:

Mark Harris, Assistant Attorney General

I. CALL TO ORDER

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

Mark Harris, Assistant Attorney General, was introduced. He provided an overview of his previous legal experience. Mr. Harris stated that his current responsibilities include representing the Dental Board, Chiropractic Board, Behavioral Health Examiners and serving as a Unit Chief for the Licensing and Enforcement Section of the Attorney General's Office.

II. APPROVAL OF MINUTES

A motion approving the November 12, 2002 Regular Session Minutes was made by Board Member Prassa. Motion seconded by Dr. Welch. Dr. Gordon made a motion approving the Executive Session Minutes of November 12, 2002. Motion seconded by Ms. Prassa. The two motions passed unanimously.

A motion to adjourn to Executive Session for discussion of the November 12, 2002 Executive Session Minutes was made by Dr. Gordon at 9:55 a.m.. His motion was seconded by Ms. Prassa and passed unanimously. The Board returned to the Regular Session at 10:11 a.m. Dr. Gordon made a motion approving the Executive Session Minutes of November 12, 2002 as corrected. Ms. Prassa seconded the motion that carried unanimously.

III. LICENSE APPLICATIONS

The application submitted by Pamela Pappas M.D. was reviewed. Dr. Gordon made a motion approving the application. Dr. Welch seconded the motion that carried unanimously.

Dr. Pappas was given the oral examination and following her presentation she responded to questions from various board members. Dr. Gordon made a motion approving Dr. Pappas for licensure. Ms. Prassa seconded the motion that passed unanimously.

The application submitted by Jonathan Zeuss, M.D. was reviewed. Dr. Zeuss responded to questions concerning his current practice and his interest in Complementary and Alternative Medicine. Dr. Gordon made a motion accepting the application. Ms. Prassa seconded the motion that carried unanimously.

The oral examination was given to Dr. Zeuss. Following questions from board members, Dr. Gordon made a motion approving Dr. Zeuss for licensure. Ms. Prassa seconded the motion that passed unanimously.

IV. INVESTIGATIONS and COMPLAINTS

Previous Matters

- 1. Case CV2002-021232 Kathleen Fry MD, MD(H) vs. Arizona Board of Homeopathic Medical Examiners**
- and**
- 2. Case No. 02-15 Jesse Stoff MD(H) – License No. 054**

Following a motion by Dr. Gordon, the Board adjourned to Executive Session at 9:55 a.m. for legal advice regarding Case CV2002-021232 Kathleen Fry and Case No. 02-15 Jesse Stoff, MD(H). The motion was seconded by Ms. Prassa and passed unanimously.

The Board returned to the Regular Meeting at 10:11 a.m.

Further action regarding Case CV2002-021232 Kathleen Fry was continued to the next Regular Meeting.

With regard to Case No. 02-15, the executive director explained that the investigation was at complete. Assistant Attorney General, Harris explained that the Board may wish to consider a Letter of Concern or move forward with an administrative hearing based on the available information. President Shelton inquired about the status of Dr. Stoff's license following dismissal of the present case. Mr. Harris explained that the license would expire and Dr. Stoff would be unable to practice medicine in Arizona.

Dr. Gordon made a motion to dismiss Case No. 02-15 and issue a Letter of Concern pursuant to A.R.S. §32-2934(E)(2). The motion was seconded by Dr. Schwengel and passed unanimously. Roll Call: Aye - six votes; Dissent- none.

The Board noted their concern that Dr. Stoff may have violated one of the terms of a September 13, 2001 Consent Agreement and Order. The evidence, while

supporting a concern that Dr. Stoff may have issued a prescription to a patient after signing the Consent Agreement, was insufficient to support an administrative hearing.

New Matters

3. 02-17 B.J.L. vs. Alexander Cadoux, MD, MD(H)

B.J.L. and her husband were present and spoke with the Board. B.J.L. stated concerns about the ethics of making a non-refundable down payment without getting a guarantee in return and the lack of success with the treatments. Board members, Welch and Prassa asked questions regarding the type of treatment B.J.L. had requested. President Shelton expressed concern that his expectation looking at the case before the Board would have been to have the physician consider not only cosmetic issues, but medical issues as well. Dr. Shelton expressed that the investigation should include a description of the services provided at the clinic and whether or not there is an implied expectation from advertising materials that a client would receive medical and/or cosmetic care. Furthermore, additional investigation is necessary to determine what the standard of care is for the procedure performed and whether or not the spa portion of the practice includes medical care. B.J. L.'s husband expressed concern that Dr. Cadoux's response did not accurately portray B.J.L.'s satisfaction/dissatisfaction with the care and treatments provided.

Dr. Gordon made a motion to invite Dr. Cadoux to the next meeting to conduct further investigation pursuant to A.R.S. 32-2934(C). The executive director was instructed to contact Dr. Cadoux and request advertisements and brochures relative to the spa. Dr. Welch seconded the motion that passed unanimously. The members of the Board thanked B.J.L. and her husband for attendance.

4. 03-04 Pacific Source vs. Abram Ber MD(H)

Dr. Gordon noted that based on the information received from the physician, it appeared that Dr. Ber was in compliance with the provisions of A.A.C. R4-38-115 (*Use of Title and Abbreviation*). He instructed that a letter be sent to the insurance company apprising them of the regulation. Dr. Gordon made a motion to dismiss the matter. Motion seconded by Dr. Welch and passed unanimously. Ross call: Aye- 5; Nay- None.

V. HOMEOPATHIC MEDICAL ASSISTANT APPLICATIONS

Dr. Gordon moved to approve the homeopathic medical assistant applications of Sarah Bedell, Neepa Sevak, and Annick Swensen. Ms. Prassa seconded the motion on behalf of Sarah Bedell. Dr. Schwengel seconded the motion concerning Neepa Sevak, and Dr. Welch seconded the motion for Annick Swensen. Motions carried unanimously.

Regarding the applications submitted by Kumari Wright and Kenneth Wright, the Board adjourned to Executive Session for legal advice at 11:10 a.m. The Board

returned to the Regular Session at 11:30 a.m. President Shelton began the discussion by explaining that the Board would be revising current rules governed by AAC R4-38-301-311, Article 3, regarding medical assistants. As part of the rules process, the Board would seek comments from the general public and the regulated community on all of the sections as well as the section governing the provision of acupuncture services by homeopathic medical assistants (AAC R4-38-302(A)3.).

He also explained that Ken and Kumari Wright had applied for registration under AAC R4-38-301(B). This rule states that physicians proposing job descriptions for assistants in general medical or homeopathic practices or practices not otherwise specified by rule may submit evidence that they meet educational requirements that are substantially equivalent to the formal education noted in other rules. Dr. Gordon made a motion approving the applications of Ken and Kumari Wright. Dr. Schwengel seconded the motion. Discussion ensued.

Catherine Neimiec, President of the Arizona Society of Acupuncture and Oriental Medicine addressed the Board and expressed concerns that the Wrights did not meet state mandates governing the provision of acupuncture services and as such, public safety was not adequately addressed. In addition, she noted the State Board of Acupuncture Examiners had recently opened a complaint against the Wrights to investigate their unauthorized acupuncture practice.

At 11:45 a.m. Dr. Gordon made a motion to adjourn to Executive Session to seek legal advice. Motion seconded by Board Member Prassa and passed unanimously. The Board returned to the Regular Session at 11:55 a.m. Dr. Shelton requested that Dr. Gordon table his previous motion to approve Ken and Kumari Wright until the executive director of the Acupuncture Examining Board could confirm Ms. Neimiec's information regarding an open investigation.

The Board considered other agenda items. The Board returned to the applications of Ken and Kumari Wright and directed their executive director, Chris Springer and Assistant Attorney General Harris to discuss issues with the Assistant Attorney General representing the Acupuncture Examining Board and their executive director. Dr. Gordon made a motion to remove his motion to table Ken and Kumari Wright's application for registration. Motion seconded by Ms. Prassa and passed unanimously.

Dr. Gordon moved to approve Kumari Wright's application for registration. Motion seconded by Dr. Schwengel and passed with a majority vote. Ms. Prassa was opposed to the motion.

Dr. Gordon moved to approve Ken Wright's application for registration. Motion seconded by Dr. Schwengel and passed with a majority vote. Ms. Prassa opposed the motion.

VI. PROFESSIONAL BUSINESS

1. Ms. Prassa reported the Examination Committee is still compiling questions for consideration by the full board. Dr. Shelton indicated he would provide questions relating to electrodermal testing.
2. The discussion regarding possible revisions to Article 3, Medical Assistant rules occurred at the end of the meeting. The Board directed Ms. Springer to distribute the proposed draft rules to all licensees, medical assistants and related industry with a cover letter directing that written comment be provided in time for inclusion in the next agenda package. It is the Board's intention to hold a public hearing at the March 11, 2003 meeting and invite oral and written comment on the rules.
3. Dr. Welch expressed her concerns with proposals published by the FDA regarding compounded substances. The Board indicated the information should be provided to Lisa Platt for distribution to association members.
4. There was general discussion regarding an article in the Annals of Internal Medicine concerning complementary and alternative medical providers. Dr. Gordon expressed concern over the dangers of excessive standardization and the accompanying loss of choice to the public.
5. Discussion of pending legislation introduced by Representative Gullet concerning mandatory reporting of felony charges to licensing boards.

VII. FUTURE AGENDA ITEMS

None

VIII. CALL TO THE PUBLIC

Deborah Noah H.M.A. and Lynn Forsyth H.M.A. requested copies of the draft rules for medical assistants be provided to them. Patricia Jacobs also requested a copy.

IX. CLOSE OF BUSINESS/ADJOURNMENT

Meeting adjourned at 12:40 p.m. following a motion by Dr. Gordon, seconded by Anna Prassa, and passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **March 11, 2003**.

Respectfully Submitted,

Christine Springer
Executive Director